



Corres. and Mail
BOX AF

Docket No.: C010690/0912483

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Berend HOUWEN, *et al.*

Serial No.: 09/388,899

Filed: September 2, 1999

)

)

)

)

)

)

Examiner: Gailene Gabel

Art Unit: 1641

For: **METHOD FOR CLASSIFYING AND COUNTING LEUKOCYTES**

December 22, 2003

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the August 21, 2003 decision of the Primary Examiner finally rejecting claims 1-4, and 7-15. Claims 5 and 6 have been objected to. No claims have been allowed. The Office Action set an extendible three-month shortened statutory period for response. Accordingly, with the Response to Final Office Action Including Amendment and Request for Extension of Time being filed concurrently herewith, this NOTICE OF APPEAL is filed timely upon mailing, with an executed certificate of mailing, on or before December 22, 2003 (as December 21, 2003 is a Sunday). 37 C.F.R. §§ 1.7 and 1.8. A check in the amount of \$330.00 for the Appeal Fee is enclosed.

It is not believed that this response requires any other fees, but if our checks are missing or otherwise insufficient, or if any additional fees are required, for example, for lodging

01/02/2004 HDAHTE1 00000041 09388899

01 FC:1401

330.00 OP

RSDOCS\1118950.1

RECEIVED
JAN 05 2004
TECH CENTER 160012900

this appeal or for filing the Appeal Brief, not otherwise paid by check, the Commissioner is authorized to charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

By:


Charles T. J. Weigell

Reg. No. 43,398

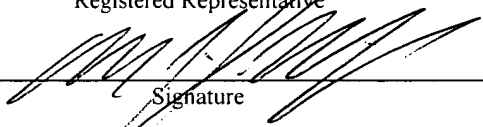
BRYAN CAVE LLP

1290 Avenue of the Americas

New York, NY 10104

Tel. No.: (212) 541-2000

Fax No.: (212) 541-4630

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 22, 2003
(Date of Deposit)
Charles T. J. Weigell
Name of applicant, assignee, or Registered Representative

Signature
12/22/03
Date of Signature